

**COMMITTEE ON WAYS AND MEANS**  
**U.S. HOUSE OF REPRESENTATIVES**  
**WASHINGTON, DC 20515**

November 23, 2020

The Honorable Emily Murphy  
Administrator  
General Services Administration  
1800 F Street, N.W.  
Washington, DC 20405

Dear Administrator Murphy:

I write to call on you to immediately ascertain that Joe Biden and Kamala Harris are the successful candidates for the office of President and Vice President. Your continued refusal to grant the Biden-Harris Transition Team access to critical services and facilities specified in the Presidential Transition Act of 1963<sup>1</sup> impairs the incoming administration's ability to address the coronavirus pandemic, threatening catastrophic consequences for the American people.

As you are aware, it is your responsibility as the Administrator of the General Services Administration (GSA) to begin transition activities as soon as you ascertain "the apparent successful candidates for the office of President and Vice President."<sup>2</sup> On November 7, 2020, nearly every major news organization declared President-elect Biden and Vice President-elect Harris the clear winners of the election. Since then, there has been no evidence to put those results into question, and Donald Trump has failed to prove any legal path to victory. Instead, the margin of victory has only grown, with President-elect Biden and Vice President-elect Harris reaching 306 electoral college votes and nearly 6 million more votes than Donald Trump in the popular vote. In the face of these facts, it is unclear on what basis you continue to deny that Joe Biden and Kamala Harris are the apparent successful candidates for the office of President and Vice President.

Our country is currently confronting a health and economic crisis unlike any other in our lifetimes. As rates of infection from Covid-19 continue to rise and more and more Americans face economic uncertainty, the next administration must be prepared to tackle this crisis with plans and personnel in place on day one. Your refusal to ascertain the election, however, has blocked the Biden-Harris Transition Team from accessing the necessary information and resources to prepare for a seamless transfer of power.

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<sup>1</sup> 3 U.S.C §102 note.

<sup>2</sup> 3 U.S.C §102 note.

Each day lost in the transition process puts more Americans at risk of contracting or dying from the coronavirus. Recent news of successful vaccine trials has given Americans hope, but the inability of the transition team to speak to agency officials during this critical period will slow the national COVID-19 vaccination program. Without access to essential information, the transition team is unable to prepare for problems that could arise in vaccine manufacturing or effectively plan for vaccine distribution. Put simply, your refusal to allow the transition team to properly plan will lead to more illness and death.

In addition to the public health emergency, our nation faces a dire economic crisis. Twenty million Americans currently rely on unemployment benefits to feed their families and pay their bills, and that number is likely to grow as the uncontrolled spread of coronavirus requires additional public health closings and restrictions. Blocking the transition team from coordinating with the Department of Labor will undermine the next administration's ability to provide strong state support and oversight on day one, depriving workers of assistance they desperately need.

The Biden Administration must also be prepared to deliver on promises made to millions of Americans and businesses in pandemic-related legislation that Congress enacted. These promises include the distribution of remaining Economic Impact Payments to individuals and the implementation of tax credits, such as the Employee Retention Tax Credit. Without the necessary information now, the Biden-Harris Transition Team cannot properly ensure the continued delivery of this much-needed financial assistance without interruption.

Nearly three weeks have passed since the American people chose Joe Biden and Kamala Harris as their next President and Vice President. In that time, the public health crisis has worsened and millions of Americans have continued to struggle financially due to the COVID-19 recession. This is a critical time for the incoming administration to access essential information and resources to prepare for an efficient and peaceful transfer of power. With your refusal to abide by the procedures established by the Presidential Transition Act, you are complicit in an unprecedented challenge to our Democratic norms and are endangering the lives and livelihoods of people across the nation. I call on you to put your fellow Americans before political expediency and immediately ascertain that Joe Biden and Kamala Harris are the successful candidates for the office of President and Vice President.

Sincerely,

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Richard E. Neal  
Chairman  
Committee on Ways & Means  
United States House of Representatives